

# **Exhibit 60**

Edward Lewis - May 6, 2021

1                   UNITED STATES DISTRICT COURT  
2                   DISTRICT OF SOUTH CAROLINA  
3                   COLUMBIA DIVISION  
4                   TWANDA MARSHINDA BROWN, ET AL.,  
5                   Plaintiffs,  
6                   vs.               CASE NO. 3:17-CV-01426-MBS  
7                   LEXINGTON COUNTY, SOUTH CAROLINA, ET AL.,  
8                   Defendants.

9                   VIDEOTAPED  
10                  30(B)(6)  
11                  VIDEO-  
12                  TELECONFERENCE  
13                  DEPOSITION OF: EDWARD LEWIS  
14                  DATE:               May 6, 2021  
15                  TIME:              11:18 AM  
16                  LOCATION:       Law Offices of Davidson,  
17                                     Wren & DeMasters, PA  
18                                     1611 Devonshire Drive  
19                                     Second Floor  
20                                     Columbia, SC  
21                  TAKEN BY:       Counsel for the Plaintiffs  
22                  REPORTED BY:    KELLY B. BAEKELANDT, Court Reporter  
23                                     (Appearing by VTC)

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(Appearances continued on Page 3.)

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1 ALSO PRESENT:

2 Vladimir Korneychuk, Legal Videographer  
3 (Appearing by VTC)

4 Alexis Alvarez

5 (Appearing by VTC)

6 (INDEX AT REAR OF TRANSCRIPT)

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1 violence, central DUI court, preliminary hearings,  
2 fraudulent check court, and setoff debt. The  
3 assistant administrator II maintains and runs the  
4 bond court operations. The administrator I is the  
5 frontline manager for the central traffic court.

6 Q. I've seen that phrase a couple times  
7 now, setoff debt. What does that mean?

8 A. Basically when an individual fails to  
9 follow through with their scheduled time payment or  
10 if they fail to pay the court on a uniformed  
11 traffic ticket, at the end of the -- once a year we  
12 would then migrate that information into a setoff  
13 debt system that goes to the state, the state can  
14 then attach that to their tax filing and deduct  
15 that from the tax filing.

16 Q. Does that process convert the court  
17 debt into a civil judgment?

18 A. I'm not sure -- sure how to answer  
19 that.

20 Q. Not sure just because you -- you don't  
21 know or not sure because I -- I didn't ask the  
22 question in a way that makes sense to you or...

23 A. I -- I'm not sure that it converts it  
24 to a civil judgment. The only thing I can tell  
25 you, it's a civil fine and they take it from their

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1 Q. Do you know if it would indicate  
2 anything else in the public index?

3 A. Not to my knowledge.

4 Q. Okay. So, to -- to be clear, I want to  
5 now step into the present, out of 2017 into what  
6 the current program is. You had mentioned earlier  
7 that sometimes these accounts will go to the state  
8 for the state to recoup court debt that's owed  
9 through part of its tax program. So I -- I think  
10 what you mean by that is that if someone gets a  
11 refund on their state tax return that might be used  
12 to offset any court debt that's owed; is that  
13 correct?

14 A. Yes.

15 Q. When that happens and -- and there's  
16 some sort of recoupment, do funds come back to the  
17 Lexington County Magistrate Court that were  
18 recouped by the state in relation to court debt?

19 A. Yes.

20 Q. And -- and how does that process work,  
21 just generally speaking? It -- every time a  
22 recoupment is done is some of the money sent or is  
23 it once a month or once a week or -- or how does  
24 that work?

25 A. Depending on the return of the

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1 individual, it could be a partial payment. At  
2 that -- at that point the staff would, of course,  
3 have to load it back into the grid the -- the  
4 following year for whatever the -- the remainder of  
5 the debt would be. But the state, I think they  
6 use -- I'm not sure if it's a third-party agency to  
7 assist them with the process. We do receive one  
8 check for a -- a batch of individuals and then we  
9 apply those monies to individual courts.

10 Q. And so I assume that's a whole  
11 accounting and administration process then, when  
12 that one check comes somebody has to then input  
13 that data for the different accounts as to what the  
14 payments were?

15 A. Correct.

16 Q. Okay. And how often do those checks  
17 come? Is it once a month or once a year or some  
18 other interval?

19 A. Generally after tax season begins,  
20 normally within the first six months of tax season  
21 we see the majority. I don't know that there are  
22 many after that.

23 Q. Okay. When -- well, let's assume that  
24 someone's got an account, \$500 owed in court debt.  
25 They get sent off on the -- the setoff debt program

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1 to the state, let's say the state recovers 200  
2 leaving a balance of 300. When that check comes  
3 back to the county, does the county get the full  
4 200 or does it just get a portion of that?

5 A. The \$200 would be applied to the  
6 individual's fine and then that money would be  
7 remitted to the county at the end of the month.

8 Q. Okay. And using that same example,  
9 just want to make sure I understand this, when  
10 someone within administration then goes back into  
11 that person's account and makes the notation that  
12 200's been collected, 300 is still owed, are  
13 they -- is -- is that person now back in the  
14 Lexington County system for purposes of collecting  
15 that \$300 or do you just simply move on to the next  
16 tax year and send back \$300 to the state or  
17 something different?

18 A. No, basically the \$200 would be  
19 remitted to the county. The individual would  
20 receive a letter prior to the next setoff debt  
21 season indicating there's a \$300 balance owed to  
22 the court. At that time if -- if they wish to pay  
23 it, they could certainly pay that to the court. If  
24 not, it would be loaded back into the setoff debt  
25 grid for the \$300 that remained.

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1 it as well.

2 Q. Do you know whether the magistrates are  
3 typically part of the -- the system of -- well, do  
4 you know whether the magistrates are typically  
5 included on the e-mails that come from the Supreme  
6 Court for those --

7 A. I believe they are.

8 Q. Okay. Circling back to this  
9 November 2017 mandatory magistrate meeting where  
10 the setoff debt program was discussed. I just want  
11 to get one clarification. Did the chief justice  
12 order magistrates across the state to start using  
13 this or did he suggest that they start using it?

14 A. I don't believe it was ordered, I think  
15 it may have been a suggestion.

16 Q. Was there a process by which a decision  
17 was made within the Lexington County Magistrate  
18 Court system to utilize this setoff debt program?

19 MR. WOODINGTON: Object to the form.

20 You can answer.

21 THE WITNESS: After the meeting, I met  
22 with the chief magistrate, which she had mentioned  
23 the setoff debt program. We began looking into the  
24 program at that particular time.

25 BY MR. MARSHALL:

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1 Q. And the chief magistrate, was that  
2 Judge Adams?

3 A. Correct.

4 Q. When you said you started to look into  
5 it, tell me what you did next after you had that  
6 meeting with Judge Adams.

7 A. Basically, we had to determine how we  
8 would go about setting up a setoff debt program for  
9 Lexington County Magistrate's Court, so we began  
10 to -- to have conversation [sic] with those folks  
11 at the state regarding the setoff program. There  
12 were some forms that we needed to fill out. We  
13 were told that we would need to go before our  
14 county council to have approval for that and it --  
15 it turns out that council did not have to approve  
16 that request, that the -- the county magistrate  
17 system could begin that process without approval of  
18 the county council themselves. So as we began  
19 to -- to establish those agreements between the  
20 state and ourselves, the very next tax season I  
21 suppose we began to load the information.

22 Q. Who told you that the county council  
23 had to approve the adoption of that program?

24 A. I can't remember if it was the clerk to  
25 council, maybe the county administrator, I -- I

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1 don't remember exactly who.

2 Q. And how -- how did you come to learn  
3 that the county council did not have to approve the  
4 adoption of that program?

5 A. As we began to finalize signatures,  
6 around that time that we were going to make the  
7 presentation to council, we were told by someone in  
8 the -- the program itself at the state level I  
9 believe it was that the council would not have to  
10 approve this program.

11 Q. Who then within Lexington County made  
12 the determination to adopt that program?

13 A. The chief magistrate.

14 MR. WOODINGTON: Object to the form,  
15 but go ahead, you've already answered.

16 BY MR. MARSHALL:

17 Q. Who was your contact -- your primary  
18 contact if you had more than one at the state for  
19 purposes of getting this program off the ground?

20 A. I do not remember the gentleman's name.

21 Q. Do you recall what his position was?

22 A. I want to say he may be a director,  
23 setoff debt.

24 Q. Did you have any written communications  
25 with this person in regard to this program getting

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1 CERTIFICATE OF REPORTER  
2

3 I, Kelly B. Baekelandt, Court Reporter  
4 and Notary Public for the State of South Carolina  
5 at Large, do hereby certify that the foregoing  
6 transcript is a true, accurate, and complete  
7 record.

8 I further certify that I am neither  
9 related to nor counsel for any party to the cause  
10 pending or interested in the events thereof.

11 Witness my hand, I have hereunto  
12 affixed my official seal this 6th day of May, 2021  
13 at Charleston, Charleston County, South Carolina.



24 Kelly B. Baekelandt  
My Commission expires  
June 16, 2026  
25

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